

Comparison B(reckless v criminal negligence)

**INSTRUCTION NO.\_\_\_\_**

The concepts of “recklessness” and “criminally negligent conduct” are similar but different. Both require that there be a substantial and unjustifiable risk of \_\_\_\_\_. It is considered *reckless* to take a substantial and unjustifiable risk if one *is aware* of the risk. It is considered *criminally negligent* to take the same risk if one *should have been aware* of the risk. The standards for recklessness and criminally negligent behavior also both require that the Defendant’s behavior be a gross deviation from the standard of care that a reasonable person would exercise under the circumstances. In both cases you must be satisfied beyond a reasonable doubt that there was fault, and that it was substantial.